



Human Rights Consequences of the “War on Drugs” in the Philippines Human Rights Watch Statement to the Tom Lantos Human Rights Commission July 20, 2017

Co-Chairmen Representatives McGovern and Hultgren and members of the commission, thank you for the opportunity to testify at today’s hearing on the human rights consequences of the “war on drugs” in the Philippines.

This hearing comes at a critical moment for the people of the Philippines.

Since taking office, Philippine President Rodrigo Duterte has unleashed a human rights calamity. The government’s murderous “war on drugs,” drug-related overcrowding of jails, and the harassment and prosecution of drug war critics has caused a steep decline in respect for basic rights since Duterte’s inauguration on June 30, 2016. Duterte justifies his anti-drug campaign as a life-or-death struggle against a “drug menace” that he claims threatens to transform the Philippines into a “narco state.” He is untroubled by the fact that the statistics he brandishes to back up this hyperbole are flawed, exaggerated, or fabricated.

In the Philippines, security forces and “unidentified gunmen” have killed more than 7,000 suspected drug users and dealers since July 1, 2016, including at least 3,116 killings by police, according to government data. That death toll also doesn’t include the victims that Duterte calls “collateral damage” – children shot in the crossfire of anti-drug operations. The extraordinary brutality of the Duterte drug war is undeniable. Many of the victims are found in back alleys or street corners wrapped in packing tape, their bodies bullet-ridden or bearing stab wounds and other signs of torture.

Human Rights Watch field research found that government claims that the deaths of suspected drug users and dealers were lawful were blatant falsehoods. That research paints a chilling portrait of mostly impoverished urban slum dwellers being gunned down in state-sanctioned “death squad” operations that demolish rule of law protections. Interviews with witnesses and victims’ relatives and analysis of police records expose a pattern of unlawful police conduct designed to paint a veneer of legality over extrajudicial executions that may amount to crimes against humanity. Our investigations revealed that police routinely kill drug suspects in cold blood and then cover up their crimes by planting drugs and guns at the scene.

While the Philippine National Police have publicly sought to distinguish between suspects killed while resisting arrest and killings by “unknown gunmen” or “vigilantes,” Human Rights Watch found no such distinction in the cases investigated. In several such cases, the police

dismissed allegations of involvement when only hours before the suspects had been in police custody. Such cases call into question government assertions that most killings have been carried out by vigilantes or rival drug gangs.

Efforts to seek accountability for drug-war deaths have gone nowhere. Philippine National Police Director-General Ronaldo dela Rosa has rejected calls for a thorough and impartial probe of the killings as “legal harassment” and said it “dampens the morale” of police officers. Duterte and some of his key ministers have praised the killings as proof of the “success” of the anti-drug campaign. Duterte and Secretary of Justice Vitaliano Aguirre III have sought to justify their total disregard for the rule of law and due legal process for “drug personalities” by questioning the humanity of suspected drug users and drug dealers. Duterte’s instigation of unlawful police violence and the incitement of vigilante killings may amount to crimes against humanity in violation of international law.

The Duterte administration has subjected prominent critics of the government’s abusive anti-drug campaign to harassment, intimidation, and even arrest. In February 2017, the police detained former secretary of justice Senator Leila de Lima on politically motivated drug charges. Her arrest followed a relentless government campaign against her in evident response to her outspoken criticism of Duterte’s “war on drugs” and her calls for accountability. Other critics of the killings – including activists, journalists, international officials, and ordinary Filipinos – have been threatened online by pro-Duterte supporters and trolls. Those targeted include Agnes Callamard, the United Nations special rapporteur on extrajudicial executions, and international experts on drug dependency.

The “war on drugs” has also worsened the already dire conditions of Philippine jail facilities, including inadequate food and unsanitary conditions. Government data indicates that the country’s jail facilities run by the Bureau of Jail Management and Penology, which have a maximum capacity of 20,399, currently hold nearly 132,000 detainees, an overwhelming majority of them awaiting trial or sentencing. The bureau attributes the overcrowding to the arrest of tens of thousands of suspected drug users and dealers since the anti-drug campaign began.

The Philippine government’s drug war has sparked a surge in demand for drug rehabilitation facilities by those fearful of the government’s extrajudicial measures. The December 2016 opening of a China-funded “10,000-bed mega treatment and rehabilitation center” within the Fort Magsaysay military base 75 miles north of Manila, however, raises serious concerns. Instead of providing evidence-based drug treatment services, the rehabilitation services may mirror models documented by Human Rights Watch elsewhere in Southeast Asia where the only “treatment” offered was abuse. The Philippines is in dire need of voluntary, community-based drug dependence treatment services that comport with international best practice standards and human rights principles. Until there is a clear commitment from the Philippine government to

support drug rehabilitation services based on these principles, the US government should not provide support for rehabilitation services – and Congress should ensure they are not funded.

Despite statements from President Donald Trump that appear supportive of Duterte’s abusive policies, the US State Department has taken some important steps to register disapproval of the drug war. These include the November 2016 suspension of the sale of 26,000 military assault rifles to the Philippine National Police. The State Department took this step in large part because of opposition from Senator Ben Cardin, ranking member of the Senate Foreign Relations Committee, who opposed the deal due to “concerns about human rights violations in the Philippines.”

In addition, the US Embassy in Manila announced on December 14 that the Millennium Challenge Corporation (MCC) would defer a decision on new funding for the Philippine government due to “significant concerns around rule of law and civil liberties in the Philippines.” The statement justified that decision on the basis that criteria for MCC aid recipients “includes not just a passing scorecard but also a demonstrated commitment to the rule of law, due process and respect for human rights.”

Human Rights Watch urges the State Department and the MCC to maintain these suspensions of assistance until the killing stops and meaningful steps to accountability are underway. We encourage Congress to play an active oversight role to ensure vigilance going forward.

Congress can also engage more directly to stop the bloodshed in the Philippines. First, it should further restrict assistance to the Philippine security forces by imposing specific human rights benchmarks, including requiring Duterte to end the “drug war” killings and allow a United Nations-led investigation into the deaths. And Congress can direct the Secretary of State to work with other foreign governments to impose similar restrictions.

Notably, on May 4, 2017 Senators Cardin (D-MD), Rubio (R-FL), Schatz (D-HI), and Markey (D-MA) introduced the “Philippines Human Rights Accountability and Counternarcotics Act of 2017,” a bill that places restrictions on defense aid to the country, provides additional funding for the Philippine human rights community, and supports a public health approach to drug use. We would like to see a similar bill introduced in the House and would encourage prompt passage into law, as doing so may save lives while also reminding Duterte that his government will pay a price for its ongoing murderous campaign.

Written Testimony of Phelim Kine, Deputy Asia Director at Human Rights Watch